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6 Attorney for Defendant,  
7 MARCUS ASAY

8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

10 \*\*\*\*\*

11 UNITED STATES OF AMERICA. ) CASE NO.: 1:22-CR-00162-DAD-BAM  
12 Plaintiff, )  
13 v. ) STIPULATION AND ORDER TO  
14 MARCUS ASAY ) CONTINUE STATUS CONFERENCE OF  
15 Defendant. ) AUGUST 27, 2025  
16 )

17 TO THE HONORABLE COURT AND TO THE ASSISTANT UNITED STATES  
18 ATTORNEY:

20 The defendant, Marcus Asay, by and through his counsel, Anthony P. Capozzi and the  
21 Plaintiff, United States of America through the Assistant United States Attorney, Michael G.  
22 Tierney, hereby stipulate that the status conference set for August 27, 2025, be continued to  
23 September 10, 2025 at 1:00 p.m., since the defense counsel, Anthony P. Capozzi needs  
24 additional time to contact Mr. Asay regarding the trial date of October 28, 2025 for preparation  
25 and possible preparation of transport orders who is presently serving a 60 month sentence at the  
26 United States Bureau of Prisons in Springfield, Missouri.

27 The parties further stipulate that time be excluded under the Speedy Trial Act for defense  
28 preparation and continuity of counsel.

1 DATED: August 20, 2025

By: /s/ Anthony P. Capozzi  
2 ANTHONY P. CAPOZZI, Attorney for  
MARCUS ASAY

3  
4 Dated: August 20, 2025,

ERIC GRANT  
United States Attorney

5  
6 By: /s/ Michael G. Tierney  
MICHAEL G. TIERNEY  
7 Assistant United States Attorney  
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9 **ORDER**

10 The status conference currently set for August 27, 2025, is continued to **September 10,  
11 2025 at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe.** The trial confirmation of  
12 September 22, 2025 and jury trial of October 28, 2025 shall remain as set. Time was previously  
13 excluded through October 28, 2025. The parties shall meet and confer and file a joint status  
14 report, not later than September 8, 2025, informing the Court of (1) whether the parties anticipate  
15 they will be ready to proceed to trial as scheduled; (2) what kind of motions and the number of  
16 motions each party anticipates will need to be resolved in advance of trial (e.g., in limine, motion  
17 to dismiss, suppression, other motions), (3) a proposed briefing schedule for resolution of the  
18 motions in advance of trial, and (4) any other information to aid the Court in keeping the trial  
19 date currently scheduled.  
20  
21

22 IT IS SO ORDERED.  
23

24 Dated: August 21, 2025

/s/ Barbara A. McAuliffe

25 UNITED STATES MAGISTRATE JUDGE  
26  
27  
28